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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 UNITED STATES OF AMERICA,

10 Plaintiff,

11 v.

12 DUKE NOTTINGHAM,

13 Defendant.

Case No. CR18-245-RSL

ORDER DENYING EARLY
TERMINATION OF
SUPERVISED RELEASE

14 This matter comes before the Court on defendant Duke Nottingham's "Motion for Early
15 Termination of Supervised Release" (Dkt. # 4).

16 On September 16, 2010, a jury convicted defendant of distributing material involving the
17 sexual exploitation of minors, in violation of 18 U.S.C. § 2252(a)(2). Dkts. # 1, # 2-2. On May
18 3, 2011, the U.S. District Court for the Eastern District of California sentenced defendant to 108
19 months of imprisonment and 120 months of supervised release. Dkt. # 2-2. Defendant began
20 his term of supervision on July 19, 2018. Dkt. # 1. This Court accepted jurisdiction over
21 defendant on October 11, 2018. Id.

22 As a threshold matter, the Court finds there are compelling reasons to seal defendant's
23 mental health records. The Court therefore grants defendant's motion to seal Exhibits 2, 3, and
24 6 (Dkt. # 5).

25 The Court now turns to defendant's motion for early termination of supervised release.
26 The Court may "after considering the factors set forth in [18 U.S.C. § 3553(a)] . . . terminate a
27 term of supervised release and discharge the defendant released at any time after the expiration
28 of one year of supervised release . . . if it is satisfied that such action is warranted by the conduct

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1 of the defendant released and the interest of justice.” 18 U.S.C. § 3583(e). The Court enjoys
2 “discretion to consider a wide range of circumstances when determining whether to grant early
3 termination.” United States v. Emmett, 749 F.3d 817, 819 (9th Cir. 2014) (citing United States
4 v. Pregent, 190 F.3d 279, 283 (4th Cir. 1999)).

5 The Court commends defendant on his graduation from treatment and notes his positive
6 shift in attitude regarding his treatment over time. Considering, however, the nature of
7 defendant’s distribution offense and the fact that defendant has completed less than half of his
8 term of supervised release, the Court finds that termination of supervised release would be
9 premature. See 18 U.S.C. §§ 3583(e)(1), 3553(a). The Court nonetheless looks favorably on
10 defendant’s engagement in mental health counseling and encourages him to continue.

11 Accordingly, IT IS HEREBY ORDERED that defendant’s request for early termination
12 of supervised release (Dkt. # 4) is DENIED. Notwithstanding, the Court supports defendant’s
13 desire to travel to visit his family and to go fishing with his children. The Court is amenable to
14 amending the terms of his supervised release to reflect this if Probation determines that it should
15 do so.

16 IT IS FURTHER ORDERED that defendant’s Motion to Seal Document (Dkt. # 5) is
17 GRANTED.

18 DATED this 21st day of July, 2022.
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22 Robert S. Lasnik
23 United States District Judge
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